

This Frequently Asked Questions (FAQ) sheet is intended to provide some basic information about how Caltrans projects will comply with the new Construction General Permit (CGP).

Copy and paste this Website address into your browser for accessing Caltrans General FAQs

<http://www.dot.ca.gov/hq/env/stormwater/cgp/index.htm>

General Questions:

1. Q: In the past, there was a limitation to the amount of disturbed soil area during the rainy season; the amount of disturbed soil area was less during the rainy season. Now that "it is rainy season" year-round, is the disturbed soil area is limited?

A: The resident engineer can decide to keep the DSA limitations in contracts for "rainy season" and "non-rainy season." The resident engineer may remove the DSA limitation by contract change order because the new CGP requires soil stabilization and sediment controls year-round. The contractor is required to install soil stabilization and sediment controls within 14 days of a disturbed soil area becoming inactive or prior to a rain event.

2. I have a couple of questions regarding Caltrans projects currently in construction and SWPPP compliance with the new General Stormwater permit. CDP 10-4 implies that SWPPPs can be brought into compliance with SWRCB ORDER NO. 2009-0009-DWQ, NPDES ORDER NO. CAS000002 by:

Updated Project SWPPP information must have a page attached to the cover that changes:

- The existing permit reference to the new CGP
- The existing 21-day requirement to a 14-day requirement for soil stabilization and sediment controls to be installed on inactive areas.
- The year-round requirement for soil stabilization, sediment control for disturbed soils and stockpiles.
- "Sampling and Analysis Plan" to "Construction Site Monitoring Program"

Q: Does this take the form of an amendment or a SWPPP rewrite?

A: The "page" that we have asked to be attached to the cover of the SWPPP will be like an errata sheet attached to any document.

Q: I think a copy of the new permit would need to be incorporated as part of "Attachment N" as well.

A: The permit says a copy of the permit should be kept at site; it does not say it has to be part of the SWPPP. In the past we did attach the permit to the SWPPP in order to make sure it was available at the project site. It would not be a bad idea to include a copy of the new CGP in Attachment N of the SWPPP.

- IV. Special Provisions
- G. Duty to Maintain Records and Provide Information
- The **discharger shall maintain a paper or electronic copy** of all required records, **including a copy of this General Permit**, for three years from the date generated or date submitted, whichever is last. These

records shall be available **at the construction site** until construction is completed.

Q: Also, the New Permit has an **Annual Reporting** requirement that needs to be prepared and submitted by September 1st of each year. Since Caltrans projects do not have a WDID # and cannot upload to SMARTS at this time, who/where is this report submitted to?

A: At this time the resident engineer will file the Annual Report in the project contract files and when requested by a RWQCB will submit a copy to the RWQCB. When Caltrans starts submitting information into SMARTS, the resident engineer will submit the Annual Report electronically. Be aware that there is no annual reporting requirement this year 2010.

3. Q: I would like to know precisely in what ways the new CGP will affect my project which is a WPCP project. The contract for my job was approved in June 2010 and construction will start shortly. Would I need to amend anything in the existing Special Provisions?

A: Follow the special provisions in your project, no contract amendment or contract change order should be issued to implement the new WPCP specifications.

The reason for my asking this is that the answer to question 39 of FAQ which was sent out, said that rainy season reference will go away for WPCP jobs.

Q: Does this answer apply to new Special Provisions which will come out only and not those already in existence? (there are rainy season requirements in the Special Provisions for my job).

A: You are correct, the rainy season reference has been removed from the WPCP specification that were posted by Caltrans on 6-10-10 and so future special provisions will come out without the rainy season reference. Existing WPCP projects do not need to do anything because the new CGP does not apply to them and the changes Caltrans has made to our WPCP specification is to make it consistent with our SWPPP specification so there will be less confusion in the future.

4. Q: If the rainy season reference will go away for my project, is there any other way in which my WPCP project will be affected?

A: You should not worry because the "rainy season" should not be eliminated from your project. On future projects the major differences will be the year-round requirement for soil stabilization and sediment control for disturbed soils and stockpiles. Soil stabilization and sediment controls will need to be installed on disturbed soil areas and stockpiles within 14 days of when an area or stockpile becomes inactive or prior to a rain event.

5. In the SWRCB letter from Bruce Fujimoto dated Feb 18, 2010, it states that there are two categories of dischargers under the transition and in paragraph 1. of the letter it states that on July 1, 2010 all active NOIs subject to the existing permits will be **terminated** and the dischargers must file **electronically** for coverage under the CGP on or after the July 1, 2010 effective date. My understanding is that projects with NOCs filed prior to June 30, 2010 do not have to refile an NOC until that time that the new Caltrans Statewide permit is adopted. The April 13, 2010 letter states that Caltrans will continue to be covered under the current NOC process but there is no clarification of the Feb 18 letter stating that effective July 1, 2010 all NOIs will be terminated and dischargers must file again in July 1, 2010.

Q: Is there a letter from HQ or Board that makes this clear. I think I understand the intent correctly but I don't see letters to substantiate this so can you please clarify if we need to submit an NOC again given the language from the transition letter dated Feb 18, 2010 (paragraph 1)

A: The SWRCB has had a few different responses to this question, since the Order was enacted last September 2009.

Our current understanding is that if a project had an NOC filed prior to July 1, then **NO REFILING** is necessary. Due to Caltrans Statewide NPDES permit, CALTRANS is currently **EXEMPT** from the NOI processes discussed in the CGP. We have not received direction concerning filing/refiling of NOC's, in writing; however, we have received the direction (Bruce Fujimoto April 12 letter) that states several times that Caltrans is exempt currently from the NOI process.

6. Q: Page 36 Item 7:

The statement is incorrect. I talked to Annalisa Kihara of SWRCB (916) 324-6786 and the QSD can be the QSP. You need to get rid to the term "WPC Manager" since it has no relevance in the new permit. It should state QSP for consistency.

A: Caltrans will continue to require a Water Pollution Control Manager (WPC Manager) for the duration of a project. The WPC manager must be a Qualified SWPPP Developer. You are correct that a QSD can be a QSP but a QSP, who is not a QSD, cannot be a WPC Manager for a Caltrans project.

7. Q: Page 37 Items 11, 13, and 14. Page 39.

You vastly underestimate how much and how often water testing costs will occur. Water testing of each discharge point is required for all Risk Level 2 & 3 projects. So if you have a road project 10 miles long there could be 10-20 discharge locations. Each would have to be sampled per Annalisa. The certified lab I use in Redding would charge \$36 per each location sampled for turbidity and pH. 20 sites = \$720.00. If you take the Redding area the average rainfall is 34.23". There were 50 days during the last rainy season in which there was more than 0.1 an inch of rainfall. I bunched consecutive rainfall days as one REAP and still had 35 REAPS that would have to be prepared for a project. 35 REAPS at \$500 each is \$17,500. The number of days in which rainfall was > 0.5 inches was 20 days. Bunching consecutive rainfall days together there are still 12 times water tests are required for the site. This is \$9,000. As far as cost goes there is no compensation for travel time or time to take samples to a lab. If I have a highway project in Yreka, I would have to send or deliver my samples to Redding. About a 1.5 drive each way. You need to redo your cost.

A: Stormwater sampling and analysis for turbidity and pH will be a contract bid item that is bid as each (day). So for your example, your bid price should be higher than \$720.00 ea so you can pay your certified lab. For REAPs and Annual Reports contractors will be paid based on the number of REAPs and Annual Reports submitted to the resident engineer and not based on the number estimated in the Engineer's estimate.

You are correct that the Engineers estimate maybe low for some of these new items but Caltrans will adjust Engineer's estimates on future projects based on bid history results. Guidance for Caltrans engineers to use for preparing Engineer's Estimate for stormwater bid items is available at: <http://www.dot.ca.gov/hq/oppd/stormwtr/index.htm>

8. NOC was submitted after July 1, 2010.

Q: Can the contractor still use old SWPPP templates to prepare SWPPP plans?

A: The contractor must use the new Draft SWPPP 2010 template available at:
<http://www.dot.ca.gov/hq/construc/stormwater/stormwater1.htm>

Because the NOC was not filed prior to July 1, 2010 Caltrans must determine the project risk level and provide this information to the Contractor. The contract specifications will probably also need to be revised by contract change order to implement the new specification based on risk level. Refer to Construction Procedure Directive (CPD) 10-9 for implementing new CGP specifications on going projects for sample contract change order.

9. On P. 39 of the Order of the CGP says, "Regional Water Boards may require additional Monitoring and Reporting Program Requirements, including sampling and analysis of discharges to sediment-impaired water bodies."

Q:Is sampling and analysis only requires for SWPPP projects discharging to water bodies 303d listed for "sediment"?

A: No, sampling and analysis is required for all SWPPP projects. Non-visible sampling and analysis is required for all risk levels. For Risk Level 2 and Risk Level 3, turbidity and pH sampling and analysis is required at all discharge locations from the Caltrans right-of-way, not just discharge locations to 303d listed water bodies for "sediment".